

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

STEVEN BAYLIS,

Plaintiff,

v.

MICHAEL J. ASTRUE,

Commissioner of Social Security,

Defendant.

CIVIL ACTION

No. 09-2217

ORDER

AND NOW, this 3rd day of August, 2011, upon consideration of plaintiff's Request for Review (Docket No. 3), plaintiff's memorandum in support of that request (Docket No. 8), defendant's response thereto (Docket No. 9), plaintiff's reply to defendant's response (Docket No. 10), the Report and Recommendation of Magistrate Judge Linda K. Caracappa (Docket No. 12), plaintiff's objections to the Report and Recommendation (Docket No. 13), this court's prior memorandum opinion and order (Docket Nos. 14 and 15), defendant's motion to alter or amend judgement (Docket No. 16), and the entire record herein, and for the reasons provided in the accompanying memorandum, it is hereby **ORDERED** that:

1. Defendant's motion to alter or amend the judgment is **GRANTED**;
2. The Report and Recommendation is **APPROVED AND ADOPTED**;
3. Plaintiff's Request for Review is **DENIED**; and
4. Plaintiff's motion for attorney's fees (Docket No. 17) is **DISMISSED** as moot.

BY THE COURT

/s/ Louis H. Pollak
Pollak, J.